

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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TERI R. SMITH, on behalf of herself and the class	:
members described herein,	:
	:
Plaintiff,	:
	:
vs.	:
	:
CONDUENT EDUCATION SERVICES, LLC,	:
f/k/a ACS, ACCESS GROUP, INC., and ACCESS	:
FUNDING 2015-1,	:
	:
Defendant.	:
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Case No. 6:18-cv-01329-FJS-ATB

**NOTICE OF MOTION TO  
SUPPLEMENT MOTION TO  
DISMISS**

PLEASE TAKE NOTICE that on October 25, 2019, at 10:00 a.m., or as soon thereafter as counsel may be heard, the undersigned attorneys for defendant Conduent Education Services, LLC (“CES”)<sup>1</sup> shall move before the United States District Court for the Northern District of New York, the Honorable Frederick J. Scullin, Jr., presiding, at the James T. Foley United States Courthouse, 445 Broadway, Albany, New York 12207, for an Order granting its motion to supplement the pending motion to dismiss the complaint it filed on December 19, 2018. ECF No. 13.

PLEASE TAKE FURTHER NOTICE that the undersigned shall rely upon the accompanying affidavit of John C. Grugan and memorandum of law in support of this motion.

PLEASE TAKE FURTHER NOTICE that pursuant to L.R. Civ. P. 7.1, Plaintiff’s opposition papers shall be filed by ***October 8, 2019***, and any reply papers shall be filed by ***October 14, 2019***.

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<sup>1</sup> The Complaint improperly names CES as Conduent Education Services, LLC, f/k/a ACS, f/k/a Access Funding 2015-1, and f/k/a Access Group, Inc.

Respectfully submitted,

DATED: September 19, 2019

/s/ Michael R. McDonald

Michael R. McDonald

John C. Grugan

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*Conduent Education Services, LLC*